IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

EUNA McGRUDER,)	
Plaintiff,)	
v.)	NO. 3:17-cv-01547
METROPOLITAN GOVERNMENT OF)	JUDGE CAMPBELL
NASHVILLE AND DAVIDSON)	
COUNTY, TENNESSEE,)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant's Motion to Revise Orders (Doc. No. 124), which was filed on August 31, 2022. Through the motion, Defendant requests that the Court vacate the jury verdict and revise all post-verdict orders to reflect a dismissal of Dr. McGruder's claims with prejudice based on judicial estoppel, under Federal Rule of Civil Procedure 54(b). Defendant's motion must be denied because it filed its notice of appeal (Doc. No. 117) before filing the instant motion, divesting this Court of jurisdiction to consider it. The filing of a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985); *Taylor v. KeyCorp*, 680 F.3d 609, 616 (6th Cir. 2012) (same). It appears Defendant will raise judicial estoppel on appeal. (*See* Doc. No. 127 at 4). The Court lacks jurisdiction to decide Defendant's present motion seeking dismissal of Plaintiff's case (Doc. No. 124) because Defendant has already filed a notice of appeal. Thus, the motion is **DENIED**.

It is so **ORDERED**.

WILLIAM L. CAMPBELL, JR/ UNITED STATES DISTRICT JUDGE